

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 92-023-R - ORDER NO. 94-120 ✓  
FEBRUARY 7, 1994

IN RE: Application of South Carolina Electric    ) ORDER  
      & Gas Company for Adjustments in the       )  
      Company's Coach Fares and Charges,        )  
      Routes, and Route Schedules.             )

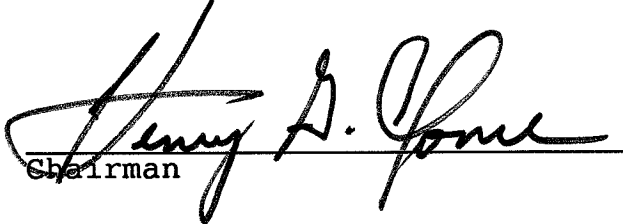
This matter comes before the Public Service Commission of South Carolina (the Commission) on the Petition for Rehearing and Reconsideration of Order No. 93-1148, as to the Declaratory Order issue. In our Order No. 93-1148, this Commission held that South Carolina Electric & Gas Company's (SCE&G's or the Company's) Petition for Declaratory Order should be denied stating that the cases of State ex rel Daniel v. Broad River Power Company, 157 S.C. 1, 153 S.E. 537 (1929); Broad River Power Company v. South Carolina ex rel Daniel, 281 U. S. 537 (1930); City of Columbia v. Tatum, 174 S.C. 366, 177 S.E. 541 (1934); and S. C. Code Ann. §58-27-120 (1976, as amended) support the proposition that the transit system is inextricably linked with the provision of electric service to the City of Columbia, and that therefore, the Company's Petition for the Commission to set transit fares at a level producing a reasonable and non-confiscatory rate of return on its transit operations standing alone was inappropriate, and that the law mandated an opposite conclusion.

On January 10, 1994, the Company petitioned for rehearing and reconsideration as to the Commission's holding on the Declaratory Order issue. The Company stated that, in its opinion, the transit and electric franchises may be inextricably linked for purposes of abandoning either franchise, but that the Company's Petition for Declaratory Order seeks a declaration concerning the Company's right to a reasonable rate of return on the transit operations standing alone. The Company submitted that the Commission's analysis in Order No. 93-1148 concerning the Petition for a Declaratory Order was contrary to the requirements of the Due Process and Taking clauses of the United States and South Carolina Constitutions, and contrary to sound regulatory practice.

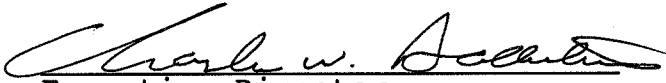
The Commission has considered the matter, and notes that the Honorable Don S. Rushing of the Richland County Court of Common Pleas has remanded the earlier appeals in this Docket back to the Commission for further consideration, and further explication of the Commission's reasoning in its Orders in this Docket. The Commission therefore believes that it should stay any action with regard to the Company's request for a Declaratory Order until such time as the entire bus appeal and its ramifications are remanded and considered by the Commission. At that time, the Commission shall make a further ruling on this issue. This Order shall

remain in full force and effect until further Order of the  
Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)